

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with T. Gregory Peterson on 10/29/2010.

Please amend claims 69 and 79 filed 06/18/2010 as follows. These are renumbered claims 38 and 39 respectively.

69. (Currently Amended) A method of diagnosing the presence of a disease agent in a subject, said method comprising:
- a. providing a sample from said subject in need of said diagnosis, said sample suspected of containing said disease agent;
 - b. isolating a nucleic acid from said sample, said nucleic acid containing a target sequence from said disease agent;
 - c. subjecting said nucleic acid to the primer-based amplification method of claim 1 ~~or 37~~;
 - d. detecting said target sequence from said disease agent.

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79. (Currently Amended) A method for differentially diagnosing the presence of a disease agent

and a secondary disease agent in a subject, said method comprising:

- a. providing a sample from said subject in need of said diagnosis, said sample suspected of containing said disease agent or said secondary disease agent;
- b. isolating a nucleic acid from said sample, said nucleic acid containing a target sequence from said disease agent or secondary disease agent or both;
- c. subjecting said nucleic acid to the primer-based amplification method of claim 1 ~~or~~ 37;
- d. detecting said target sequence from said disease agent or secondary disease agent or both.

Close

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Staples whose telephone number is (571) 272-9053. The examiner can normally be reached on Monday through Thursday, 9:00 a.m. to 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Staples/
Primary Examiner, Art Unit 1637
October 29, 2010